

REMARKS

Examiner interview

The undersigned thanks Examiner Teller for the helpful telephonic interview on January 22, 2009. The written description rejection and possible claim amendments were discussed during the interview.

Application status

Prior to the present reply, claims 41-55 and 163-193 were pending. Claims 42-46, 48, 51-55, and 163-193 have been withdrawn from consideration. Claims 41, 47, 49, and 50 are examined and have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is addressed below.

Claim amendments

In the present reply, claims 42-48, 50-53, and 163-193 have been amended. Claims 41, 49, 54, and 55 have been cancelled, and new claim 194 has been added. Claim 163 has been amended into independent form, and has been amended for clarity. Support for these changes is found, for example, in previous claim 41. The structure shown in claim 163 represents the “unfolded” form of Formula XII previously recited in claim 41. Claims 42-48 and 50-53 have been amended to depend from, and correspond with, the scope of amended claim 163. Claims 164 and 166-193 have been amended to

depend solely from claim 163. Support for new claim 194 is found, for example, in claim 163. These changes add no new matter.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 41, 47, 49, and 50 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In making this rejection, the Office asserts that the specification does not provide sufficient support for the all-D, retro, and retro all-D forms of the peptides of claim 41.

Without assenting to this rejection, applicants have cancelled claim 41 and have rewritten claim 163 into independent form. The table below summarizes the peptides encompassed by amended claim 163.

X	R _a [†]	R _b [†]	R _c [†]	R _d	R _e [†]	R _f [†]	R _g	R _h [†]	R _i	R _j [†]	R _k ^{††}
H	Hyp	Hyp	Gly	Ala	Ala	Ala	L-Hyp***	Pro	Gly	Gln	OH
Ac	Pro	Pro	Sar	D-Ala		Sar	D-Hyp	D-Pro	Phe**	Asn	NH ₂
Tfa				Gly		Gly	Pro	Ala	D-Phe**	D-Asp	
DBF							D-Pro	D-Hyp	Tyr**	Cys	
ASAL*							Ncg	Asn	D-Tyr**		
HP							A2C	Thio-Pro			
							Sar				
							Gly				
							Asn				
							D-Asn				
							T4c				
							Pc				
							Lys				
							Thio-Pro				

[†]May be absent

^{††}Absent if peptide is cyclic

*optionally iodinated

**optional halogen substitution(s) in the aromatic ring

***if peptide is cyclic

Claim 163 also recites the retro (i.e., reverse sequence) forms and cyclic forms of the peptides shown in the table above. The cyclic peptides of claim 163 are formed by a covalent bond between the N-terminal nitrogen atom and the C-terminal carbon atom. As noted in the table, amino acids having side chains R_d, R_g, and R_i are required; the other amino acids may either be present or absent.

To meet the written description requirement for a genus, a specification must disclose a sufficient number of species to demonstrate possession that genus. Actual reduction to practice can be provided as evidence of possession (M.P.E.P. § 2163).

Based on the compounds described in the specification, applicants submit a sufficient number of species has been reduced to practice in order to support the genus of claim 163. For example, the specification describes synthesis of compounds 2-14, 22, 24-

26, 36-43, each of which is encompassed by the genus of claim 163. Of these compounds, compound 3, 4, and 35-38 are cyclic compounds, and compounds 2-4, 24, 25, and 38 are retro compounds. On this basis of this disclosure, the specification provides a sufficient number of species encompassed by the genus of claim 163, including cyclic and retro forms of the claimed peptides.

The remaining claims depend from claim 163 and either recite further limitations to the genus of claim 163 or recite particular peptide sequences. Because these claims further limit the genus of claim 163, applicants submit that dependent claims 42-48, 50-53, and 164-194 likewise meet the written description requirement.

For these reasons, applicants respectfully request withdrawal of the written description rejection.

CONCLUSION

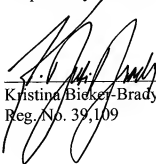
Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. Applicants reserve the right to pursue any cancelled subject matter in a future continuation or divisional application.

If there are any additional charges or any credits, please apply them to Deposit

Account No. 03-2095.

Respectfully submitted,

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